

REMARKS

1. Status of the Claims

Claims 1 and 19 are amended herein. Claims 1, 5-14, and 17-31 are pending in the Application. Claims 1 and 19 are independent claims and the remaining are dependent claims. The Applicant believes that the rejections contained in the Office Action have been overcome as discussed below. Support for the current amendments may be found, *inter alia*, in the specification at page 6, lines 2-3, and Figs. 2-6.

2. Response to Claim Rejections in view of Lucht

In the Final Office Action mailed March 30, 2007, the Examiner rejected claims 1, 5-10, 12-14, 17-25, and 27-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,010,922 to Heller et al. ("Heller") in view of U.S. Design Patent No. 495,536 to Lucht, and in further view of U.S. Patent No. 3,415,475 to Goodman. The Examiner rejected claims 11 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Heller in view of Lucht, in further view of Goodman, and in further view of U.S. Patent No. 4,081,012 to Wallace ("Wallace"). Applicant respectfully traverses the rejections and requests favorable reconsideration.

On May 29, 2007, Applicant submitted a Response to the March 30, 2007 Office Action, in which Applicant traversed the rejections. In the May 29 Response, Applicant noted that the Examiner explicitly stated that Heller fails to disclose "wherein the base having a dome configuration, and a plurality of unitary support veins extend from the central hub and is located underside of the base," Office Action, page 3, para. 1, and that Lucht discloses "wherein the base having a dome configuration (fig. 7); [and,] a plurality of unitary support veins extend from the central hub and is located underside of the base (fig. 8)". (*Id.*)

In the May 29 Response, Applicant respectfully submitted that Lucht fails to describe unitary support veins. Specifically, Applicant pointed to Figure 2, where it is apparent that the structures cited by the Examiner from Figure 8 are not support veins, but rather grooves into the base itself. As grooves are commonly known to function as stress risers, thus weakening the base, the grooves could not be considered support veins. As a result, Applicant noted that one would not have been motivated to modify the base of Heller with a base as taught by Lucht to enhance the structural strength and rigidity of the base because the grooves of Lucht actually weaken the base instead.

In an Advisory Action mailed June 28, 2007 and in response to Applicant's May 29 Response, the Examiner stated that the "prior art references in combination still read on the all claims." Advisory Action, para. 11. As Applicant has argued, Lucht does not disclose the elements previously determined by the Examiner to be missing from the cited prior art. Further, Applicant contends that the missing elements are not present in the prior art and the Examiner has not distinctly pointed to specific evidence that the elements exist in the cited references. Consequently and in light of this Request for Continued Examination, Applicant respectfully requests that the Examiner reconsider the Applicant's arguments of May 29, 2007 and allow the claims as previously submitted.

3. Alternative Amendments to Claims

Alternatively, if the Examiner does not agree that the claims as previously submitted are in condition for allowance for the reasons given by Applicant, Applicant respectfully requests that the Examiner enter the claims as herein amended and allow the amended claims.

For the reasons detailed below, Applicant respectfully submits that there is not sufficient

evidentiary support in the record to permit the Examiner to establish a *prima facie* case of obviousness for Applicant's claims amended herein. At the very least, Applicant submits that the prior art references do not disclose the elements of amended independent claims 1 and 19, and thus the prior art references also do not disclose the elements of the remaining dependent claims. Applicant respectfully traverses the rejections and requests favorable reconsideration.

Amended claim 1 claims, inter alia, a solid one-piece base with a dome configuration and internal threads, where the base may rest upon the floor. Further, the base has a plurality of unitary support veins extending from a central hub which each terminate in a floor pad. Amended claim 1 further claims, inter alia, a solid one-piece spider plate with internal threads, where the spider plate may directly receive a table top. Amended claim 19 recites similar features, but removes the dome configuration element of the solid one-piece base and adds that each of the plurality of unitary support veins is located on the underside of the base. Both claims are amended to indicate that the base and spider plate are solid constructs (i.e., not hollow) and that both structures are one-piece constructs (i.e., not an assembly of separate pieces). The preferred iron casting process (Application, page 6, lines 2-3) for the manufacture of bases and spider plates as shown in Figures 2-6 necessarily yields solid, one-piece structures which are heavy enough to provide a stable base and table mounting surface and strong enough to support significant loads.

As previously recognized by the Examiner, but not necessarily for the same reasons as described by the Examiner, the portable post support disclosed in Heller and cited as prior art does not disclose, teach, or suggest the base claimed by Applicant. First, the base of Heller comprises more than a dozen separate parts, as opposed to being a one-piece structure. Second, the base of Heller does not have unitary support veins on the underside of the base. Equating the

legs 50 of the Heller post support to the unitary support veins 16 of the Applicant's base is incorrect. The Heller legs 50 serve to support the post support. The Applicant's veins 16 serve to reinforce the base. If you remove the Heller legs 50 from the disclosed invention, the post support easily tips over, destroying its useful functionality as a stable post support. If you remove the veins 16 from the Applicant's base, the base would still function as a stable table support. Additionally, the legs 50 are not on the underside of any identifiable base, rather they are a defining structure of the Heller base and are not under any other "base."

The portable post support disclosed in Heller and cited as prior art also does not disclose, teach, or suggest the spider plate claimed by Applicant. Applicant claims a one-piece spider plate structure that directly receives a table top and threads onto the support column. Heller requires multiple structures to perform the same task: the adapter support 22 and the adapter plate 30, attached together via the screw(s) 34.

Over the course of prosecution, the Examiner has cited a varying list of prior art references to overcome the deficiencies of Heller, including, but not limited to: U.S. Patent No. 6,517,043 ("Cahill"), U.S. Patent No. 5,680,732 ("Skouras"), U.S. Design Patent No. 495,536 ("Lucht"), and U.S. Patent 3,415,475 ("Goodman"). None of the cited references, alone or combination, cure the significant deficiencies of Heller. For example, Cahill discloses a multi-piece base directed to a fan with casters, not a one-piece base directed to a stationary table. Skouras discloses a jack assembly for lifting heavy loads and bears little relation to a table base. At the very least, the jack assembly does not exhibit a dome configuration, does not have support veins on the underside of a table base, and does not have a spider plate for directly receiving a table top. The Lucht design patent, among other things, is fundamentally flawed in that it has decorative grooves which weaken the structure rather than unitary support veins which

strengthen the structure. Finally, the weighted base of Goodman is a hollow, not solid, shell 12, filled with a cementitious composition 20, which is separately required to provide weight and stability. It includes no support veins and requires a separate socket or bushing 162 to be inserted into the base in order to provide internal threads.

Of particular significance to this current prosecution, there is no reason identified either within the references or by the Examiner as to why a person of ordinary skill would have combined the alleged prior art elements in the manner claimed by the Applicant. Applicant created a robust system for easily shipping and then quickly assembling a wide variety of stable table bases with an absolute minimum of parts. Applicant identified the problem of labor-intensive assembly of easily-shippable multi-component table base systems (Application, page 2) and solved that problem with the one-piece spider plate, one-piece base, and column claimed in the Application. The references cited against the Applicant come from a disparate variety of subject matter areas (building jacking, electrical fan supports, collapsible post supports, decorative merchandise displays) and no reason has been given as to why a person of ordinary skill would have looked to those various subject matter areas to create a stable, sturdy, heavy table base that was easily shippable, yet could be assembled quickly.

Because the cited references do not disclose, teach, or suggest each and every element of independent claims 1 and 19, the Applicant respectfully submits that the claims cannot be obvious. Further, the Applicant respectfully submits that one of ordinary skill would not have looked to the disparate collection of prior art to create the easily-shippable, yet robust, table base created by Applicant. Applicant points out that claims 5-14, 17-18, and 20-31 depend from and include all of the limitations of claims 1 or 19. Therefore, these claims distinguish the cited


references for the same reasons discussed above with regard to claims 1 and 19. It is therefore respectfully requested that the Examiner withdraw the rejections of claims 1, 5-14, and 17-31.

CONCLUSION

In light of the above amendments and remarks, Applicant submits that the present application is in condition for allowance and respectfully requests notice to this effect. The Examiner is requested to contact Applicant's representative below if any questions arise or if he may be of assistance to the Examiner.

Respectfully submitted,
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